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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,376	12/04/2001	Andrew Thomas	B-4410 619360-7	7022
7590	01/26/2005		EXAMINER	
c/o LADAS & PARRY 5670 Wilshire Boulevard, Suite 2100 Los Angeles, CA 90036-5679			SAIN, GAUTAM	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/005,376	THOMAS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gautam Sain	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 April 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-40 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/02, 4/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

- 1) 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 1-1) Claims 1-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-40 set forth non-function descriptive material but fail to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (ie., a computer readable medium) to produce a "useful, concrete and tangible" result.

For example, claims 1 and 11, "the method" and claims 21 and 31, "the apparatus" reads on a mental construct/abstract idea or at best a computer program, per se. The language "merging of documents," etc., does not clearly define structural elements and are not tangibly embodied on a computer readable medium. Claims 1-8 and 21-30 are interpreted as software per se, abstract ideas or mental construct and not tangibly embodied on a computer readable medium or hardware.

Examiner suggests adding the terms "computer readable medium" to the claims.

### ***Claim Rejections - 35 USC § 103***

- 2) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2-1) Claims 1, 2, 5, 6, 7, 9, 10, 11, 12, 15, 16, 17, 19, 20, 21, 22, 25, 26, 27, 29, 30, 31, 32, 35, 36, 37, 39, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neilsen (US 5903727, issued May 1999), in view of Dodrill et al (US 6643621, filed Sep 2000).**

**Claim 1, 11, 21, 31,** Nielsen teaches

A method of encoding a URL in sotmd, wherein the characters of the URL are mapped to sound features in a sotmd output (ie., URL with audio file for sound elements)(col 3, line 60 – col 4, 10), the nature of the sotmd features (ie., sound attribute associated with audio file)(col 2, lines 5-20) and

Nielsen does not expressly teach, but Dodrill teaches

of the mapping between characters and sotmd features being such that at least certain character combinations that occur âequently in Ultt,s produce sotmd sequences of a musical character (ie., incorporate music ... embedded URL)(col 2, line 12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nielsen to include music with embedded URL as taught by Dodrill, providing the benefit of incorporating multiple embedded URL references to different audio files within the same web page (Dodrill, col 3, lines 15-20).

**Claim 2, 12, 22, 32,** Nielsen does not expressly teach, but Dodrill teaches wherein the characters of the URL are mapped to produce sound codewords each of which is used to produce, in a sound output, a sound feattre corresponding to that

codeword (ie., URL that references audio data ... URLs are detected. Obvious that detector characters and references audio with the URL detection (col 18, lines 31-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Neilsen to include URL that references audio data ... where URLs are detected as taught by Dodrill, providing the benefit of incorporating multiple embedded URL references to different audio files within the same web page (Dodrill, col 3, lines 15-20).

**Claim 5, 15, 25, 35,** Neilsen does not expressly teach, but Dodrill teaches wherein the sound features comprise changes in output frequency (ie., output frequency will vary with a mix of voice audio over music audio data)(col 23, lines 55-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Neilsen to include output frequency varying with a mix of voice audio over music audio data as taught by Dodrill, providing the benefit of incorporating multiple embedded URL references to different audio files within the same web page (Dodrill, col 3, lines 15-20).

**Claim 6, 16, 26, 36,** Neilson does not expressly teach, but Dodrill teaches wherein the modulation frequencies of one or more tones sound features comprise different (ie., mix of audio voice data over a music data reference)(col 23, lines 55-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Neilsen to include a mix of audio voice data over a music data reference as taught by Dodrill, providing the benefit of incorporating multiple embedded URL references to different audio files within the same web page (Dodrill, col 3, lines 15-20).

**Claims 7, 17, 27, 37, Neilson teaches**

wherein characters of the IJRL are taken in groups of a first number of characters to form a second number of sound codewords, said second number being different from said first number (ie., 'sound1', a second page 'sound2' in database memory locations)(col 5, lines 40-60).

**Claims 9, 19, 29, 39, Neilson does not expressly teach, but Dodrill teaches**  
wherein the generic top-level domain names encode to sound sequences of a musical character (ie., incorporate music ... embedded URL)(col 2, line 12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Neilson to include music with embedded URL as taught by Dodrill, providing the benefit of incorporating multiple embedded URL references to different audio files within the same web page (Dodrill, col 3, lines 15-20).

**Claims 10, 20, 30, 40, Neilson does not expressly teach, but Dodrill teaches**  
wherein at least one URL encodes in its entirety to a sound sequence of a musical character (ie., incorporate music ... embedded URL)(col 2, line 12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Neilson to include music with embedded URL as taught by Dodrill, providing the benefit of incorporating multiple embedded URL references to different audio files within the same web page (Dodrill, col 3, lines 15-20).

**2-2) Claims 3, 4, 8, 13, 14, 18, 23, 24, 28, 33, 34, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neilson (as cited above), in view of Dodrill et al (as cited above), further in view of Milsted et al (US 6263313, filed Nov 1998).**

**Claims 3, 13, 23, 33,** Neilsen in view of Dodrill does not expressly teach, but Milstead teaches wherein the sound features comprise fixed-frequency tones or tone combinations (ie., frequency equalization ... amplitude dynamic adjustment)(col 22, lines 38-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Neilsen in view of Dodrill to include a frequency equalization/amplitude dynamic adjustment as taught by Milstead, providing the benefit of a method of automatically selecting processing parameters for encoding digital content (Milstead, Abstract section).

**Claims 4, 14, 24, 34,** Neilsen in view of Dodrill does not expressly teach, but Milstead wherein the sound features compdse occurrence of maximum sound output power in predetermined frequency bands (ie., preprocessing determination for frequency ranges (min, max)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Neilsen in view of Dodrill to include a frequency equalization/amplitude dynamic adjustment as taught by Milstead, providing the benefit of a method of automatically selecting processing parameters for encoding digital content (Milstead, Abstract section).

**Claims 8, 18, 28, 38,** Neilsen in view of Dodrill does not expressly teach, but Milstead wherein three characters each represented by eight bits are used to form four six-bit sound codewords (ie., compression using desired bit rate to get the low bit rates (LBR), the reference suggests to achieve the lowest possible bit rates, whre going from 8 bits

to six bits would have been an obvious manifestation at this concept and an implementation choice of the systems designer as expressing with both bit rates was commonly known in the art with generally available processors).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Neilsen in view of Dodrill to include compression using desired bit rates to get low bit rates as taught by Milstead, providing the benefit of a method of automatically selecting processing parameters for encoding digital content (Milstead, Abstract section).

#### **Other References**

1. Microsoft Frontpage 2000, release June 1999 (see attached Non Patent Literature).

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

65.

GS



SANJIV SHAH  
PRIMARY EXAMINER